

MEDICINE BOARD[653]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Medicine hereby amends Chapter 25, “Contested Case Proceedings,” Iowa Administrative Code.

The purpose of Chapter 25 is to establish procedures for contested case hearings before the Board. The amendment updates a subrule to be consistent with Iowa Code section 148.7(4) regarding the composition of a Board panel that hears a contested case proceeding. The law was amended in 2014.

The Board initiated this rule making on June 2, 2016. Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2610C** on July 6, 2016.

At the public hearing that was held on July 26, 2016, the Board received one comment, which was from David Brown of the Hansen, McClintock and Riley law firm in Des Moines, Iowa. Mr. Brown expressed concern about the appointment of alternate members who are former members of the Board of Medicine. Iowa Code section 148.2A(2)“b” allows former Board members to be appointed and serve as alternate members. Therefore, no changes have been made from the Notice.

The Board adopted this amendment on August 11, 2016.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapters 147, 148 and 272C.

This amendment will become effective October 19, 2016.

The following amendment is adopted.

Amend subrule 25.18(1) as follows:

25.18(1) Hearings are conducted before a quorum of the board. When a sufficient number of board members is are unavailable to hear a contested case, the executive director, or the executive director’s designee, may request alternate members, as defined in rule 653—1.1(17A,147) and Iowa Code sections 148.2A and 148.7(4), to serve on the hearing panel. A hearing panel ~~containing alternate members~~ must include at least six ~~people~~, members, at least half of whom ~~a majority~~ must be current board members, ~~a majority~~ and at least half of whom must be members licensed to practice medicine under Iowa Code chapter 148, ~~and no more than three may be public members.~~

[Filed 8/15/16, effective 10/19/16]

[Published 9/14/16]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 9/14/16.